

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THE BANK OF NEW YORK MELLON,

Case No. 2:17-CV-1804 JCM (CWH)

Plaintiff(s),

ORDER

V.

**THE VININGS HOMEOWNERS
ASSOCIATION, et al.,**

Defendant(s).

Presently before the court is defendant SFR Investments Pool 1, LLC's motion for security of costs. (ECF No. 10).

“When a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant” Nev. Rev. Stat. § 18.130. Further, “[i]t is the policy of the United States District Court for the District of Nevada to enforce the requirements of [Nevada Revised Statute (“NRS”)] § 18.130 in diversity actions.” *Feagins v. Trump Org.*, No. 2:11-cv-01121-GMN-GWF, 2012 WL 925027, at *1 (D. Nev. Mar. 19, 2012) (citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305–06 (D. Nev. 1983); *Arrambide v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986)).

In its complaint, plaintiff Bank of New York Mellon states it is a New York corporation with its principal office in New York. (ECF No. 1 at 2).

Thus, this court finds that defendant properly invokes NRS 18.130. Pursuant to that statute, plaintiff is to deposit \$500.00 with the clerk of court for “costs and charges as may be awarded” in this case. Nev. Rev. Stat. § 18.130.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's demand for security costs, (ECF No. 10) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that plaintiff shall post a cost bond in the amount of \$500.00 or make a cash deposit of \$500.00 as to defendant within seven (7) days of the entry of this order.

DATED September 7, 2017.

~~Xelma C. Mahan~~
UNITED STATES DISTRICT JUDGE